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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,935	01/11/2002	Petri Nykanen	NOKM.018PA	9367
7590	01/04/2006			EXAMINER WILLETT, STEPHAN F
Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/043,935	NYKANEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephan F. Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 September 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4,6-9,11-20,24-26 and 29-46 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-9,11-20,24-26 and 29-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim(s) 19-20, 24-26 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. Claims that may depend on the use of a signal or carrier wave to achieve their functionality are deemed to be non-statutory subject matter.

***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 19, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn et al. with Patent Number 6,591,103.
5. Regarding claim(s) 1, 19, 24, Dunn teaches network services component selection. Dunn teaches a plurality of interface modules[application programs], col. 5, line 39 capable of establishing communications with network services, col. 5, lines 4-7; col. 6, lines 31-34. Dunn teaches providing a logical access point[CSA], col. 5, lines 28-29 for the interface modules to

facilitate a service request from an user application as “user device” 22, col. 6, lines 47-49, and a service request lookup type module including service related parameters as “requirements”, col. 8, lines 22-29 that are in a date type file as “user profiles stored in a database”, col. 8, lines 28-29. Dunn teaches dynamic selection of service components, col. 8, lines 24-30 based on said parameters. Dunn teaches comparing service related parameters to service related parameters of the networks as “based on the database information”, col. 6, lines 31-34, automatically selecting the service with the greatest compatibility as “the users application) can then either continue the call or terminate based on the above information and suitability of the next network”, col. 5, lines 64-67 and “the device … selects the appropriate network”, col. 6, lines 31-33 and connects.

*Claim Rejections - 35 USC 103*

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6-7, 8-9, 11-18, 20, 25-26, 29-32, 33-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. with Patent Number 6,591,103 in view of Dowling et al. with Patent Publication Number US 2005/0157677.

7. Regarding claim(s) 2, 12-15, 18, 20, 26, 30, 33-35, 39-42, 44-46, Dunn teaches network services component selection. Dunn teaches a plurality of interface modules[application programs], col. 5, line 39 capable of establishing communications with network services, col. 5, lines 4-7; col. 6, lines 31-34. Dunn teaches providing a logical access point[CSA], col. 5, lines 28-29 for the interface modules to facilitate a service request from an user application as “user device” 22, col. 6, lines 47-49, and a service request lookup type module including service related parameters as “requirements”, col. 8, lines 22-29 that are in a date type file as “user profiles stored in a database”, col. 8, lines 28-29. Dunn teaches dynamic selection of service components, col. 8, lines 24-30 based on said parameters. Dunn teaches comparing service related parameters to service related parameters of the networks as “based on the database information”, col. 6, lines 31-34, automatically selecting the service with the greatest compatibility as “the users application) can then either continue the call or terminate based on the above information and suitability of the next network”, col. 5, lines 64-67 and “the device ... selects the appropriate network”, col. 6, lines 31-33 and connects. Dunn teaches the invention in the above claim(s) except for explicitly teaching interface modules as accessible software object code or a business agreement portion. In that Dunn operates to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Dowling, a related network services system teaches “a communication server may also be

coupled to the packet transport interface to manage connections”, para. 0028, lines 1-3 in order to provide requested data services. Dowling specifically teaches “the software module is an object”, para. 0042, line 6 and “this quality feedback can also be used to provide real-time feedback to be used in the associate selection process”, para. 70, lines 14-40. Thus, each of the modules performs functions that obviously can be written in various different types of programming code and Dowling suggests that each of the functions can be written in object code. Also, the associate selection process and maintaining certain quality standards that may be based on costs indicates a business agreement between the parties involving certain parameters. Further, Dowling suggests “to ensure a level of quality control.”, par. 0074 7, lines 4-5 resulting from choosing a particular service. The motivation to incorporate objects or business agreements insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate objects and business agreements as taught in Dowling into the network services system described in the Dunn patent because Dunn operates with service modules and Dowling suggests that interface modules can be implemented with objects and via business agreements.

8. Regarding claims 3, 8, 26, Dunn teaches receiving service parameters via said access point, col. 8, lines 24-27.

1. Regarding claims 4, 9, Dunn teaches receiving parameters via an external connection a “command channel”, col. 8, lines 24-27.

2. Regarding claims 6, 11, 17, 24, 29-32, 36, Dowling teaches initiating business agreements or quality of service, and “costs”, para. 0070, lines 35; para. 0073, lines 1-3 and Dunn at col. 8, lines 47-50 including price, line 43.

3. Regarding claim 7, 16, 25, 43, the Dunn and Dowling patents disclose the method of the preceding claims. The Dunn and Dowling patents do not disclose address translation proxies accessible via an access point. However, Official Notice is taken MPEP 2144.03 (a)) that address translation is well known in the art to insure devices can communicate. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to include address translation to obtain the advantages of communicating with diverse domain names. By the above rational, the claim is rejected.

9. Regarding claims 37-38, Dunn teaches the service parameters include an application or service provider identification to facilitate selection of the service component whose service level is commensurate with the application identification or service provider identification, col. 5, lines 5-6 and Fig. 2.

***Response to Amendment***

1. Based on the new grounds for rejection the applicants arguments are moot. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

4. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

Patent Examiner



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER